



DAE  
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Boothby  
Serial No. : 09/939,526  
Filed : August 24, 2001  
Title : SYNCHRONIZATION OF RECURRING RECORDS IN INCOMPATIBLE  
DATABASES

Art Unit : 2125  
Examiner : Maria N. Von Buhr

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.182 FOR ORDER  
REQUIRING EXAMINER TO GIVE EXPEDITED  
ATTENTION TO EXAMINATION OF THIS APPLICATION

This petition under 37 CFR 1.182 is made on behalf of the assignee, Intellisync Corporation, for an order requiring the examiner to give expedited attention to examination of this reissue application. As the attached declaration substantiates, the patent examiner and supervisory examiner assigned to this reissue application have not given the application the attention that the PTO's rules require. The reissue application has been on file for 3-1/2 years, and it has been 2-1/2 years since a stay of prosecution was lifted. The examiner indicated approximately 2 years ago that she was within a few weeks of issuing an office action.

Submitted in support of this petition is a declaration of G. Roger Lee, the attorney of record, and a person knowledgeable with the actual facts.

A check in the amount of \$400 is enclosed in payment of the fee required under 37 CFR 1.17(f) for this petition.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

February 14, 2006  
Maureen Christiano  
Signature

Maureen Christiano

Typed or Printed Name of Person Signing Certificate

02/17/2006 TBESHAH1 00000018 09939526

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400.00 DP

Applicant : David J. Boothby  
Serial No. : 09/939,526  
Filed : August 24, 2001  
Page : 2 of 2

Attorney's Docket No.: 05110-006002

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

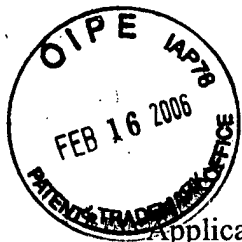
Date: \_\_\_\_\_

2/14/06



\_\_\_\_\_  
G. Roger Lee  
Reg. No. 28,963

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906



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Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.182 AS TO  
LACK OF PROGRESS BY PATENT AND  
TRADEMARK OFFICE IN EXAMINING THIS APPLICATION

I, G. Roger Lee, having firsthand knowledge of the facts below, declare the following with respect to the lack of progress by the Patent & Trademark Office in examining this application:

1. I am an attorney at Fish & Richardson P.C. ("F&R"), with 27 years experience in prosecution of matters before the USPTO.
2. This reissue application was filed on August 24, 2001.
3. On October 22, 2002, I received a communication from the PTO indicating that action in this application was stayed (Exhibit A).
4. On September 9, 2003, I filed a request asking that the stay be lifted (Exhibit B).
5. On October 27, 2003, I received a communication from the PTO indicating that the stay of action was lifted (Exhibit C).
6. On February 23, 2004, I called Examiner Von Buhr, to whom the application was assigned, asking about its status. The examiner indicated that she was going through the prior art that had been submitted with an IDS.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

*February 14, 2006*

*Maureen Christiano*

Maureen Christiano

Typed or Printed Name of Person Signing Certificate

7. On March 1, 2004, I spoke again with Examiner Von Buhr, and she indicated that she was still going through the prior art, but that an action would likely be mailed out within 2-3 weeks.

8. On April 14, 2004, I again called Examiner Von Buhr, and she reported that she had not yet gotten to the application.

9. On January 3, 5, 13, and 26, 2005, my assistant, Maureen Christiano, left voice mails for Examiner Maria Von Buhr inquiring as to the status of the application. Examiner Von Buhr did not return any of the telephone calls.

10. On January 27 and February 3, 2005, I left voice mails for Examiner Von Buhr's supervisor, Examiner Leo Picard, asking about the status of the application. Mr. Picard did not return either telephone call.

11. On April 4, 2005, and again on June 8, 2005, my assistant checked PAIR to see if there had been any action or other activity in the application. She found none.


12. My assistant has checked PAIR each month since June 2005, and found that no action or other activity in the application.

Applicant : David J. Boothby  
Serial No. : 09/939,526  
Filed : August 24, 2001  
Page : 3 of 3

Attorney's Docket No.: 05110-006002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2/14/06

  
\_\_\_\_\_  
G. Roger Lee  
Reg. No. 28,963

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,526	08/24/2001	David J. Boothby	05110-000001	2484

G Roger Lee  
Fish & Richardson PC  
225 Franklin Street  
Boston, MA 02110-2804

7590

10/22/2002

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EXAMINER

VON BUHR, MARIA N

OCT 25 2002

ART UNIT

PAPER NUMBER

2125

FISH & RICHARDSON, P.C.  
BOSTON OFFICE

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED BY PRACTICE SYSTEMS	
Action Code	<u>Staten Chuck</u>
Base Date	<u>8-24-01</u>
Due Date	<u>10-24-02</u>
Deadline	<u>1-24-05</u>
Initials	<u>REC Os</u>

DOCKETED BY PRACTICE SYSTEMS	
Action Code	<u>INF Distances Stuck</u>
Base Date	<u>10-22-02</u>
Due Date	<u>11-22-02</u>
Deadline	<u>-</u>
Initials	<u>REC Os</u>

Docketed By Billing Secretary	
Due Date:	<u>                    </u>
Deadline:	<u>                    </u>
Initials:	<u>                    </u>

09/107,040



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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9

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

1. In view of concurrent litigation, and in order to avoid duplication of effort between the two proceedings, action in this reissue application is STAYED until such time as it is evident to the examiner that (1) a stay of the litigation is in effect, (2) the litigation has been terminated, (3) there are no significant overlapping issues between the application and the litigation, or (4) applicant requests that the application be examined.

2. The patent sought to be reissued by this application is involved in litigation. Any documents and/or materials which would be material to the patentability of this reissue application are required to be made of record in reply to this action.

Due to the related litigation status of this application, EXTENSIONS OF TIME UNDER THE PROVISIONS OF 37 CFR §1.136(a) WILL NOT BE PERMITTED DURING THE PROSECUTION OF THIS APPLICATION.

3. Applicant is reminded of the continuing obligation under 37 CFR §1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 5,943,676 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR §1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§1404, 1442.01 and 1442.04.



4. Any response to this Office action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to the Office at:

(703) 746-7239 - for formal communications intended for entry, mark "FORMAL";  
(703) 746-7240 - for informal/draft communications; label "PROPOSED" or "DRAFT".

Hand-delivered papers should be brought to Crystal Park II, 2121 Crystal Dr., Arlington, VA, 4th Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Maria N. Von Buhr whose telephone number is (703) 305-3837. The Examiner can normally be reached on Monday-Thursday between 8:00 A.M. and 4:00 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Leo Picard can be reached at (703) 308-0538.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



MARIA N. VON BUHR  
PRIMARY PATENT EXAMINER  
ART UNIT 2125

MNVB  
10/18/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Art Unit : 2125  
Examiner : Maria N. Von Buhr

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO LIFT STAY

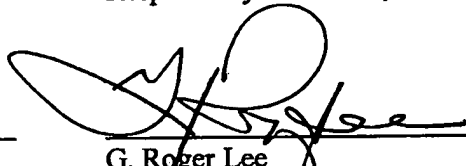
Applicant received a communication mailed on October 22, 2002 from the PTO indicating that prosecution of this reissue application would be stayed in view of concurrent litigation. Pursuant to MPEP 1442.02, applicant is filing this paper to express its desire that the application be examined at this time, and that the stay be lifted. The MPEP clearly requires that the PTO lift a stay if the applicant requests such action.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

7/31/03

  
\_\_\_\_\_  
G. Roger Lee  
Reg. No. 28,963

Fish & Richardson P.C.  
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Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20701959.doc

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

\_\_\_\_\_  
Date of Transmission July 31, 2003  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Maureen Christiano  
Typed or Printed Name of Person Signing Certificate

6RL



UNITED STATES PATENT AND TRADEMARK OFFICE

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09/939,526	08/24/2001	David J. Boothby	05110-000001	2484
26161	7590	10/27/2003	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			VON BUHR, MARIA N	
			ART UNIT	PAPER NUMBER
			2125	16
DATE MAILED: 10/27/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

OCT 29 2003

FISH & RICHARDSON, PC.  
BOSTON OFFICE

* No Docketing Required *
Reviewed By Practice Systems
Initials: JMB
Reviewed By Billing Secretary
Initials:



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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16

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

In response to Applicant's request to lift stay, received August 4, 2003, the stay of action in this reissue application has been lifted. An action on the merits will follow in due course.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Maria N. Von Buhr whose telephone number is (703) 305-3837. The Examiner can normally be reached on Monday-Friday between 9:00 A.M. and 5:00 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Leo Picard can be reached at (703) 308-0538.

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MARIA N. VON BUHR  
PRIMARY PATENT EXAMINER  
ART UNIT 2125